

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-3-E – ORDER NO. 2006-478
AUGUST 23, 2006

IN RE: Duke Power Company, LLC d/b/a Duke)	ORDER GRANTING
Energy Carolinas, LLC – Annual Review)	MOTION FOR
of Base Rates for Fuel Costs)	CONFIDENTIAL
)	TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC (Duke Energy Carolinas or the Company) for an order from this Commission to treat specific material filed in the present proceeding as confidential. Duke Energy Carolinas requests confidential treatment of certain information contained in Company witness Janice D. Hager's testimony and exhibits and in Company witness Ronald A. Jones' testimony and exhibits. Duke Energy Carolinas claims that certain information contained in the testimonies and exhibits of Janice D. Hager and Ronald A. Jones is proprietary and/or commercially sensitive and/or competitively sensitive and/or confidential and/or trade secrets; therefore, the Company requests the Commission's approval of confidential treatment.

Pursuant to the Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Duke Energy Carolinas delineates in its Motion the material for which the Company's seeks confidential treatment and files such

information in a separate package clearly marked “confidential.” Additionally, pursuant to Order No. 2005-226, the Company files redacted non-confidential versions of the materials.

A review of the materials in question establishes that the materials do provide detailed information concerning Duke Energy Carolinas’ business and practices which are sensitive. The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information for which Duke Energy Carolinas seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

Because the Commission finds that the information filed by Duke Energy Carolinas is proprietary and meets the definition of “trade secrets” as defined under FOIA, the Commission grants the Motion of Duke Energy Carolinas.


IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion of Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC, for confidential treatment is granted. Accordingly, the confidential material clearly

delineated in the testimonies and exhibits filed by Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC witnesses Janice D. Hager and Ronald A. Jones shall be declared confidential and shall be afforded confidential treatment.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)